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8 Attorneys for Complainant
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10
11 **BEFORE THE**
BOARD OF PSYCHOLOGY
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13
14 In the Matter of the Accusation Against:

15 **THOMAS HEFFERNAN, Ph.D.**
16 949 Hill St.
Cincinnati, OH 45202
17 Psychologist's License No.
PSY 10461

18
19 Respondent.

Case No. W257

**DEFAULT DECISION
AND ORDER**

[Gov. Code § 11520]

20 **FINDINGS OF FACT**

21 1. On or about May 27, 2003, Complainant Thomas S. O'Connor, in his official
22 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs,
23 filed Accusation No. W257 against Thomas Heffernan, Ph.D. (Respondent) before the Board of
24 Psychology.

25 2. On or about February 26, 1988, the Board of Psychology (Board) issued
26 Psychologist License No. PSY 10461 to Respondent. The Psychologist License expired on
27 February 28, 2002, and not been renewed.

28 3. On or about May 27, 2003, Mary Laackman, an employee of the complainant

1 agency, served by Certified Mail a copy of the Accusation No. W257, Statement to Respondent,
2 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
3 11507.7 to Respondent's address of record with the Board, which was and is 949 Hill St.
4 Cincinnati, OH 45202. A copy of the Accusation, the related documents, and Declaration of
5 Service are attached as Exhibit A, and are incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c).

8 5. On or about June 9, 2003, the green receipt card was received by the Board from
9 the U.S. Postal Service. The green receipt card was signed indicating receipt of the above-
10 mentioned documents mailed to respondent at his address of record. A copy of the postal
11 returned receipt card is attached hereto as Exhibit B, and incorporated as if fully set forth herein.

12 6. Business and Professions Code section 118 states, in pertinent part:

13 "(b) The suspension, expiration, or forfeiture by operation of law of a license
14 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
15 board or by order of a court of law, or its surrender without the written consent of the board, shall
16 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
17 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
18 any ground provided by law or to enter an order suspending or revoking the license or otherwise
19 taking disciplinary action against the license on any such ground."

20 7. Government Code section 11506 states, in pertinent part:

21 "(c) The respondent shall be entitled to a hearing on the merits if the
22 respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts
23 of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a
24 waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant
25 a hearing."

26 8. Respondent failed to file a Notice of Defense within 15 days after service upon
27 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
28 No. W257.

9. Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A and B finds that the allegations in Accusation No. W257 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Thomas Heffernan, Ph.D. has subjected his Psychologist License No. PSY 10461 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Psychology is authorized to revoke Respondent's Psychologist License based upon the following violation alleged in the Accusation:

Business and Professions Code sections 2960(a) and (n) - conviction of a crime and commission of a fraudulent act.

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ORDER

IT IS SO ORDERED that Psychologist License No. PSY 10461, heretofore issued to Respondent Thomas Heffernan, Ph.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 24, 2004.

It is so ORDERED February 23, 2004.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
WILLIAM LEW TAN, PRESIDENT

Attachments:

Exhibit A: Accusation No. W257, Related Documents, and Declaration of Service
Exhibit B: Green Card Receipt

EXHIBIT A

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO 6/27 2003
BY M. Goodman ANALYST

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL, State Bar No. 84134
Supervising Deputy Attorney General
ROBERT C. MILLER, State Bar No. 125422
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
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Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W257

THOMAS HEFFERNAN, Ph.D.
949 Hill St.
Cincinnati, OH 45202

ACCUSATION

Psychologist's License No.
PSY 10461

Respondent.

The Complainant alleges:

PARTIES

1. Complainant, Thomas O'Connor, is the Executive Officer of the California Board of Psychology (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about February 26, 1988, Psychologist's License No. PSY 10461 was issued by the Board to Thomas Heffernan, Ph.D. (Respondent). Said license became inactive on April 2, 1996, and expired on February 28, 2002. It has not been renewed.

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JURISDICTION

3. Pursuant to Business and Professions Code (hereinafter "Code") section 2960 the Board may suspend or revoke the registration or license of any registrant or licensee if the registrant or licensee has been guilty of unprofessional conduct.

4. Section 2960(a) of the Code provides in part that the conviction of a crime substantially related to the qualifications, functions or duties of a psychologist constitutes unprofessional conduct.

5. Section 2960(n) of the Code provides in part that the commission of any dishonest, corrupt or fraudulent act constitutes unprofessional conduct.

6. Section 2963 of the Code provides in part that a plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a psychologist is deemed to be a conviction within the meaning of this article [Article 4, Chapter 6.6]. The board may order the license suspended or revoked when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence.

7. Section 118(b) of the Code provides in part that the suspension, expiration, or forfeiture by operation of law of a license issued by a board shall not during any period in which it may be renewed, restored, reissued, or reinstated deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee.

8. Section 125.3 of the Code provides, in part, that, in any proceeding before the Board, the Board may request the administrative law judge to direct the respondent if the judge finds that the respondent has violated the laws and regulations relating to the practice of psychology to pay the reasonable costs of investigation and enforcement of the case.

9. Section 2964.6 of the Code provides that if probation is imposed in a case before the Board of Psychology, the decision may also require that the licensee pay the costs associated with monitoring the probation.

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FIRST CAUSE FOR DISCIPLINE
(Conviction of a Crime)

10. On January 12, 2002, in a case entitled *State of Ohio vs. Thomas Heffernan*, Case No. 00 CR-08-5160 in the Court of Common Pleas, Franklin County Ohio, Criminal Division, respondent entered a plea of guilty to Count Three of the indictment: Medicaid Fraud, a felony of the fifth degree, and Count Four of the indictment: Practicing Psychology without a License, an unclassified misdemeanor. Respondent was sentenced to serve six months for Count Four at the Franklin County Corrections Center, pay costs of prosecution, and was fined \$1,000. The Court also imposed a period of Community Control for two years under basic supervision for Count Three. He was also fined \$2,500.

A. The facts and circumstances surrounding this conviction are as follows:
From approximately February 14, 1995 to on or about March 31, 2000, respondent offered and rendered his services as a psychologist in Franklin County. Respondent was not licensed by the State of Ohio to practice psychology. His application for licensure had been rejected in 1990. Beginning in July 1996 to on or about September 4, 1996, respondent made false or misleading statements in claims submitted to the State of Ohio, Department of Human Services, Medicaid Division.

11. On July 16, 2002, in a case entitled *State of Ohio vs. Thomas Heffernan*, Case No. B0202825 in the Court of Common Pleas, State of Ohio, Hamilton County, respondent entered a plea of guilty to Count 3 of the indictment, practicing psychology without a license, an unclassified misdemeanor. Respondent was sentenced to pay a fine of \$150 and costs of prosecution.

12. Respondent is guilty of unprofessional conduct and subject to disciplinary action in that he was convicted of crimes as set forth in paragraphs 10 and 11, above, substantially related to the qualifications, functions and duties of a psychologist.

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14. Respondent is guilty of unprofessional conduct and is subject to disciplinary action in that his conduct in holding himself out as a licensed psychologist when he was not licensed and submitting statements with false and misleading statements to Medicaid for reimbursement for services constitutes dishonest and fraudulent acts.

WHEREFORE complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board issue a decision:

2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case and the costs of probation monitoring if probation is imposed; and

DATED: May 27, 2003

Thomas O'Connor
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

4

BEFORE THE
BOARD OF PSYCHOLOGY
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

No. W257

Thomas Heffernan, Ph.D.
License No. PSY 10461

STATEMENT TO RESPONDENT

Respondent.

TO THE RESPONDENT ABOVE - NAMED:

There is attached hereto a copy of the Accusation which has been filed with the office of the State agency named herein and which is hereby served upon you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the agency named herein within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the agency may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for a hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense" or by delivering or mailing a notice of Defense as provided in Section 11506 of the Government Code to the Deputy Attorney General in this case, whose name, address and telephone number appear on the front page of the Accusation.

The hearing may be postponed for a good cause. If you have good cause, you are obliged to notify the agency within 10 working days after you discover the good cause. Failure to notify the agency within 10 days will deprive you of a postponement.

You may, but need not, be represented by counsel at any or all stages of these proceedings. The enclosed Notice of Defense, if signed and filed with the above - designated agency shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in Section 11506 of the Government Code within fifteen (15) Days after service of the Accusation upon you.

If you file any Notice of Defense within the time permitted, a hearing will be had upon the charges made in the Accusation.

Copies of Section 11507.5, 11507.6 and 11507.7 of the Government Code are attached.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code in possession, custody or control of the agency, you may contact the Deputy Attorney General, whose name, address, and telephone number appear on the first page of the Accusation.

STIPULATED SETTLEMENTS

Very often, administrative cases are settled by the parties through discussions and negotiations. Our procedures do not include a formal settlement conference, which is a common procedure in civil court cases. However, all parties in this case should get together at the earliest time to discuss any possible stipulations or settlement that can be mutually agreed upon.

BILL LOCKYER, Attorney General
of the State of California
ROBERT C. MILLER, State Bar No. 125422
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5161
Facsimile: (916) 327-2247

Attorneys for Complainant

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W257

THOMAS HEFFERNAN, PH.D.

REQUEST FOR DISCOVERY

Respondent.

[Gov. Code § 11507.6]

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

**PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
ARE HEREBY REQUESTED TO:**

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:
 - a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are the
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

20
21 For the purpose of this Request for Discovery, "statements" include written
22 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
23 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
24 and written reports or summaries of these oral statements.

25
26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
27 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
28 is privileged from disclosure by law or otherwise made confidential or protected as attorney's

work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 5/14/03

BILL LOCKYER, Attorney General
of the State of California



ROBERT C. MILLER
Deputy Attorney General

Attorneys for Complainant

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleadings, and other papers.

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7

PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after such service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it claimed that the act or omission of the respondent as to such person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
- (c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omission or events which are the basis for the proceeding, not included in (a) or (b) above;
- (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
- (e) Any other writing or thing which is relevant and which would be admissible in evidence;
- (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that such reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed under this section.

SECTION 11507.7. Petition to compel discovery; Order; Sanctions

(a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.

(b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. However, no petition may be filed with 15 days of the date set for commencement of the administrative hearing except upon order of the court after motion and notice and for good cause shown. In acting upon such motion, the court shall consider the necessity and reasons for such discovery, the diligence or lack of diligence of the moving party, whether the granting of the motion will delay the commencement of the administrative hearing on the date set, and the possible prejudice of such action to any party.

(c) If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise, the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

(d) The court may in its discretion order the administrative proceeding stayed during the pendency of the proceeding, and if necessary for a reasonable time thereafter to afford the parties time to comply with the court order.

(e) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

(f) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

(g) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

(h) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the district court of appeal for the district in which the superior court is located, a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

(i) Where the superior court finds that a party or his attorney, without substantial justification, failed or refuse to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
Against:

Thomas Heffernan, Ph.D.

No. : W257

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7; NOTICE OF DEFENSE (2 COPIES); REQUEST FOR DISCOVERY AND DISCIPLINARY GUIDELINES

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Thomas Heffernan, Ph.D.
949 Hill Street
Cincinnati, OH 45202

7001 1940 0001 2974 8542

Robert C. Miller
Office of the Attorney General
1300 I Street, Suite 125
Sacramento, CA 95814

Each said envelope was then, on May 27, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, May 27, 2003, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Mary Laackmann
Enforcement Analyst

EXHIBIT B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Heffernan, Ph.D. □□□
949 Hill Street
Cincinnati, OH 45202
|||||

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**☒ Agent☐ Addressee**B. Received by (Printed Name)**

G. F. USPS

C. Date of Delivery

6-3-03

D. Is delivery address different from item 1?☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes**2. Article Number**

(Transfer from service label)

7001 1940 0001 2974 8542

ACC

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed
Against:

Thomas Heffernan, Ph.D.

No.: W257

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DEFAULT DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Thomas Heffernan, Ph.D.
949 Hill Street
Cincinnati, OH 45202

7002 0860 0004 1219 6675

Robert C. Miller
Deputy Attorney General
Office of the Attorney General
1300 I Street, Ste. 125
P.O. Box 944255
Sacramento, CA 94244-2550

Each said envelope was then on February 23, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, February 23, 2004, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Kathi Burns
Enforcement Coordinator